

PTO/SB/01 (6-95) (modified)
Approved for use through 10/31/96 OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION	0010/PTO Rev. 6/95	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket Number	4304
			First Named Inventor	Steven W. Meeks
			COMPLETE IF KNOWN	
			Application Number	09/347,622
			Filing Date	July 2, 1999
			Group Art Unit	2877
<input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing			Examiner Name	Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM FOR SIMULTANEOUSLY MEASURING THIN FILM LAYER THICKNESS, REFLECTIVITY, ROUGHNESS,
SURFACE PROFILE AND MAGNETIC PATTERN**

the specification of which

(Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) July 2, 1999 as United States Application Number or PCT International Application Number 09/347,622 and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations. § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 385(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority	Certified Copy Attached?	
			Not Claimed	YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

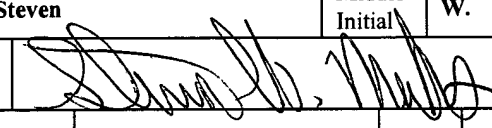
☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

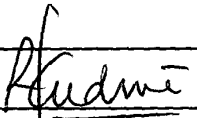
Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental sheet attached hereto.
60/059,740	9/22/97	

20830-04304//894536.1

Rev. 08/09/99

DECLARATION				Page 2	
<p>I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.</p>					
U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)		
09/136,897		8/19/98			
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.					
<p>As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:</p>					
Name		Registration Number	Name		Registration Number
Stuart P. Meyer Albert C. Smith		33,426	Arnold de Guzman		39,955
		20,355	John T. McNelis		37,186
<input type="checkbox"/> Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.					
<p>Please direct all correspondence to:</p> <p style="text-align: center;">John T. McNelis Fenwick & West LLP Two Palo Alto Square Palo Alto, CA 94306 U.S.A.</p>					
Telephone		(650) 858-7133		Fax	(650) 494-1417
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>					
Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Steven	Middle Initial	W.	Family Name	Meeks
Inventor's Signature				Date	9/10/99
Residence: City	San Jose	State	CA	Country	USA
Mailing Address	7151 Martwood Way				
Mailing Address					
City	San Jose	State	CA	Zip	95120
		Country	USA		
<input checked="" type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto					



DECLARATION										ADDITIONAL INVENTOR(S) Supplemental Sheet									
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name		Rusmin				Middle Initial				Family Name		Kudinar				Suffix e.g. Jr.			
Inventor's Signature										Date		SEP 7. 10, 1999							
Residence: City		Union City				State		CA		Country		USA				Citizenship		US	
Mailing Address		32463 Capitola Court																	
Mailing Address																			
City		Union City				State		CA		Zip		94587				Country		US	
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name						Middle Initial				Family Name						Suffix e.g. Jr.			
Inventor's Signature										Date									
Residence: City						State				Country						Citizenship			
Mailing Address																			
Mailing Address																			
City						State				Zip						Country			
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name						Middle Initial				Family Name						Suffix e.g. Jr.			
Inventor's Signature										Date									
Residence: City						State				Country						Citizenship			
Mailing Address																			
Mailing Address																			
City						State				Zip						Country			
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name						Middle Initial				Family Name						Suffix e.g. Jr.			
Inventor's Signature										Date									
Residence: City						State				Country						Citizenship			
Mailing Address																			
Mailing Address																			
City						State				Zip						Country			
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Given Name						Middle Initial				Family Name						Suffix e.g. Jr.			
Inventor's Signature										Date									
Residence: City						State				Country						Citizenship			
Mailing Address																			
Mailing Address																			
City						State				Zip						Country			
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto																			



PTO/SB/ 10 (6-95) (modified)

Approved for use through 07/31/96. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN		Docket Number (Optional): 4304
Applicant or Patentee: <u>Steven W. Meeks, et al.</u>		
Application or Patent No.: <u>09/347,622</u>		
Filing Date or Issue Date: <u>July 2, 1999</u>		
Title: <u>Improved System and Method for Simultaneously Measuring Thin Film Layer Thickness, Reflectivity, Roughness, Surface Profile and Magnetic Pattern</u>		
I hereby declare that I am <input type="checkbox"/> the owner of the small business concern identified below: <input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below: NAME OF SMALL BUSINESS CONCERN <u>Candela Instruments</u> ADDRESS OF SMALL BUSINESS CONCERN <u>48890 Milmont Drive, Suite 104D</u> <u>Fremont, CA 94538</u>		
I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.		
I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in: <input type="checkbox"/> the specification filed herewith with title as listed above. <input checked="" type="checkbox"/> the application identified above. <input type="checkbox"/> the patent identified above.		
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). Each such person, concern or organization having any rights in the invention is listed below: <input checked="" type="checkbox"/> No such person, concern, or organization exists. <input type="checkbox"/> Each such person, concern or organization is listed below:		
Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)		
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.		
NAME OF PERSON SIGNING <u>RUSMIN KUDINAR</u>		
TITLE OF PERSON IF OTHER THAN OWNER <u>PRESIDENT</u>		
ADDRESS OF PERSON SIGNING <u>48890 Milmont Drive, Suite 104D, Fremont, CA 94538</u>		
SIGNATURE <u>Rusmin Kudinar</u> DATE <u>9-10-1999</u>		